

**UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT**

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At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 20th day of March, two thousand and thirteen.

Before: Rosemary S. Pooler,  
*Circuit Judge.*

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Barton Boothe,

Appellant,

**ORDER**

Docket No. 12-725

v.

Direxion Shares ETF Trust, Daniel O'Neill,  
Daniel J. Byrne, Gerald E. Shanley, III, John  
Weisser, Rafferty Asset Management, LLC,

Defendants - Appellees.

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IT IS HEREBY ORDERED that the motion by appellant Barton Boothe for adjournment of submission of this appeal until after determination of settlement of the underlying case in the District Court is GRANTED. Appellant must file a status update letter regarding proceedings in the District Court on or before May 17, 2013 and every 30 days thereafter.

For the Court:

Catherine O'Hagan Wolfe,  
Clerk of Court

 

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

 

CERTIFIED COPY ISSUED ON MARCH 20, 2013